IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

FILED

APR 22 2004

LARRY W. PROPES, CLERK
COLUMBIA, S.C.

JACKSON LEWIS, LLP, Plaintiff,	CIVIL ACTION
	No. 3:04-1045-10
v.	
ENERSYS, INC., Defendant.	LOCAL RULE 26.01 INTERROGATORY RESPONSES

Defendant, by and through its undersigned counsel, files its responses to Local Civil Rule 26.01 Interrogatories as follows:

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

Answer: Defendant is unaware of any person or entity having a subrogation interest in this matter.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

Answer: Defendant contends that the Court does not have subject matter jurisdiction over this matter, thus the matter should not be tried here at all. Nonetheless, if the case is tried in this District, each claim asserts a claim for money damages, and should therefore be tried to a jury.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

Answer: Defendant is not a publicly owned company nor is it a parent, subsidiary, partner, affiliate, or more than ten percent owner of a publicly owned company. Morgan Stanley, a publicly owned company, has an indirect ownership interest in defendant that exceeds ten percent.

04/22/04/SL1 438587v1/08444.349

4

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

Answer: Defendant contends this Court does not have subject matter jurisdiction over this matter, and, therefore, that the claims should not be asserted in federal court at all. If the claims were appropriately brought in federal court, defendant does not dispute that this division is appropriate.

(E) In this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

Answer: Yes. (1) International Union of Electronics, Electrical, Salaried, Machine and Furniture Workers, ALF-CIO, et al. v. EnerSys Inc., C.A. No. 3:01-4766-10. (2) Defendant is also a defendant in the related action, and Plaintiff acted as its legal counsel in the related action and in connection with the events underlying the related action. Plaintiff's current action seeks to recover legal fees purportedly due to plaintiff as a result of services allegedly performed in connection with the related action. (3) Motions to certify the class and approve a final settlement are currently pending in the related action.

(F) [Defendants only.] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

Answer: Defendant should have been identified as EnerSys Delaware Inc. Counsel will accept service of an amended summons and pleading to the extent such does not delay resolution of the pending motion to dismiss for lack of subject matter jurisdiction.

(G) [Defendants only.] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

Answer: None known.

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April 22, 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

JACKSON LEWIS, LLP,	)	Case No.3:04-1045-10
	)	
Plaintiff,	)	
	)	**CERTIFICATE OF SERVICE**
v.	)	
	)	
ENERSYS, INC.,	)	
Defendant.	)	

I, Connie W. Grugan, secretary with the law firm of Lewis, Babcock & Hawkins, L.L.P., hereby certify that I have served **Defendant Enersys, Inc.'s Motion to Dismiss, Memorandum in Support of Its Motion to Dismiss, and Rule 26.01 Answers to Interrogatories** upon opposing counsel by mailing a copy of same, postage prepaid and return address clearly indicated on said envelope, to said opposing counsel at the following address:

R. Bruce Shaw, Esquire
NELSON, MULLINS, RILEY & SCARBOROUGH, LLP
Post Office Box 11070
Columbia, South Carolina 29211

Connie W. Grugan
Connie W. Grugan

This 22nd day of April, 2004.